

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE ANDROGEL ANTITRUST  
LITIGATION (II)**

**CASE NO. 1:09-MD-2084-TWT**

**HEALTH NET, INC.,  
Plaintiff,**

**v.**

**SOLVAY PHARMACEUTICALS, INC.  
and UNIMED PHARMACEUTICALS,  
INC.,  
Defendants.**

**CASE NO. 1:11-CV-0334-TWT  
END-PAYOR CLASS ACTION**

**PROPOSED ORDER ON JOINT MOTION  
GOVERNING *HEALTH NET* CASE**

Upon consideration of the Parties' Joint Motion for an Order  
Governing *Health Net, Inc. v. Solvay Pharmaceuticals, Inc. et al.*, No. 1:11-cv-  
0334-TWT, it is hereby **ORDERED** that:

1) Defendants Abbott Products, Inc. (f/k/a Solvay Pharmaceuticals, Inc.)  
and Unimed Pharmaceuticals, LLC (collectively, "Defendants") shall have no  
obligation to answer or otherwise respond to the complaint filed by Plaintiff Health  
Net, Inc. ("Health Net") on February 2, 2011.

2) Defendants' time to answer, move against, or otherwise respond to an  
amended complaint in the *Health Net* action shall be extended until thirty (30) days

after the service of the amended complaint.

3) Defendants shall notify the JPML of the pendency of this related action.

4) *Health Net* shall be subject to the same schedule as the AndroGel End Payor Class Actions already pending before this Court (Cases Nos. 1:09-CV-02914-TWT & 1:10-cv-2883-TWT), as set forth in this Court's Order granting Motion for Extension of Time to Complete Discovery (Dkt. No. 214, *In re Androgel Antitrust Litig. (II)*, No. 1:09-md-2084 (N.D. Ga. 2009) (hereinafter "MDL Docket")).

5) Health Net's claims, including its state law claims under the laws of each of the fifty states, the District of Columbia, and Puerto Rico, shall be subject to all rulings and orders by the Court, including this Court's February 22, 2010 ruling on Defendants' motions to dismiss (MDL Dkt. No. 50).

6) *Health Net* shall be added as an "End Payor Class Action," as that term is defined in this Court's Initial Case Management Order (MDL Dkt. No. 35), and Health Net's claims shall be subject to any rulings by this Court affecting the "End Payor Class Actions."

7) Health Net shall coordinate with the other End Payor Class Plaintiffs and, to the extent practicable, with the Direct Purchaser Plaintiffs, for all discovery purposes as part of MDL 2084.

8) Counsel for Abbott and counsel for Health Net conferred on April 18, 2011, and agreed that the Joint Preliminary Report and Discovery Plan (MDL Dkt. No. 139) filed in the *FOP* case shall apply to the *Health Net* case, and the conference and Plan shall be deemed to meet the requirements of Fed.R.Civ.P. 26(f) and Local Rule 16.1. Counsel for Abbott and counsel for Health Net also agreed that the Stipulated Protective Order (MDL Dkt. No. 46) shall apply to the *Health Net* case.

9) The parties will serve their Initial Disclosures in the *Health Net* case no later than 14 days after the service of an amended complaint.

Date: May 2, 2011

/s/Thomas W. Thrash  
Hon. Thomas W. Thrash, Jr.  
United States District Judge